

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2021-385-T - ORDER NO. 2022-\_\_

April 20, 2022

Application of All American Relocation, Inc. for	)	ORDER APPROVING
Sale, Transfer, or Lease of Class E (Household	)	TRANSFER
Goods) Certificate of Public Convenience and	)	
Necessity No. 6003 from Charlotte Van and	)	
Storage, Inc.	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of All American Relocation, Inc. for approval of a transfer of Certificate of Public Convenience and Necessity No. 6003-A<sup>1</sup> (the “Certificate”) from Charlotte Van and Storage, Inc. (“Transferor”), which was originally issued to Transferor on August 5, 1988.<sup>2</sup> The Certificate in question allows for the movement of Household Goods as defined in 10 S.C. Code Regs. 103-210(1) (2012) between points and places in South Carolina.

### **I. PROCEDURAL HISTORY**

Notice of this matter was timely published pursuant to 10 S.C. Code Ann. Regs. 103-817(C)(3)(a). No person intervened as a party of record.

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<sup>1</sup> As discussed at the hearing, the current Class E Certificate is No. 6003-A, not No. 6003 as reflected in the caption of this Docket or the DMS.

<sup>2</sup> Via Commission Order No. 88-787 issued in Docket No. 88-247-T.

On March 29, 2022, counsel for the South Carolina Office of Regulatory Staff (“ORS”)<sup>3</sup> filed a letter with the Commission setting out that it had reviewed the Application and was “of the opinion that the Company will meet the requirements of fit, willing, and able as required of a Household Goods Mover under the provisions of S.C. Code Ann. Regs. 103-133.” A hearing was held on March 29, 2022. The Applicant was represented at the hearing by John J. Pringle, Jr., Esquire, and presented the testimony of Joe Coffman. The ORS was represented by Donna L. Rhaney, Esquire, and Thomas McGill was available for Commission questions.

## **II. EVIDENCE OF RECORD**

For the Applicant, Mr. Coffman testified about the Applicant’s knowledge and experience in the moving industry and stated that the Applicant was aware of and intended to comply with the Commission’s regulations concerning household goods movers. Mr. Coffman testified about the liability and cargo insurance obtained by the Applicant, as well as the financial condition of the Applicant. As demonstrated by the Application and the Direct Testimony of Mr. Coffman, Applicant possesses intrastate authority to transport household goods in North Carolina, as well as interstate moving authority. Applicant intends to operate out of its existing facilities in Charlotte, North Carolina. The Applicant owns numerous vehicles of various types, and the Applicant’s vehicles receive regular inspections. Mr. Coffman testified that the Applicant’s employees receive regular training on proper moving and handling and safety. As set out in the Application, the Applicant intends to join the South Carolina Tariff Bureau. The Applicant also filed a copy of its proposed Bill of Lading with the Commission.

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<sup>3</sup> A party of record pursuant to S.C. Code Ann. § 58-41-10(B) (2019).

A number of Bills of Lading attached to the Application showed that intrastate household goods moving services were provided prior to the filing date of the Application. In the Application, the Applicant requested that to the extent that waiver of the “continuously offered and reasonably provided” language in 10 S.C. Code Ann. Regs. 135(4) is necessary, that the Commission waive this provision pursuant to 10 S.C. Code Ann. Regs. 103-803 because waiver would be appropriate in these circumstances and is not contrary to the public interest.

### **III. APPLICABLE LAW**

Our regulation on the transfer of a Certificate of Public Convenience and Necessity is found at 10 S.C. Code Ann. Regs. 103-135 (2012). That regulation states that the Commission shall approve an application for transfer of a Certificate of Public Convenience and Necessity upon finding that 1) the sale will not adversely affect the service to the public under the certificate; 2) that the person acquiring said certificate or control thereof is fit, willing, and able to provide service to the public under the certificate; and 3) that all services under the certificate have been continuously offered and reasonably provided to the public for a period of time not less than 12 months prior to the date of the filing of the application for approval of the transfer. Additionally, the regulation further states that if the application does not contain evidence that the authorized services have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application, the application may be denied. (Emphasis added). The regulation further states that no sale will be approved where such action would be destructive of competition or would create an unlawful monopoly.

Regulation 103-135(6) prohibits the sale for value of any Certificate of Public Convenience and Necessity issued subsequent to July 1, 1983.

#### **IV. FINDINGS OF FACT**

After a review of the Application and all of the evidence in the record, the Commission makes the following findings of fact:

1. The Certificate was not sold, leased, or otherwise transferred for money, goods, services, or any other thing of value. In an exhibit to the Application, the President of the Transferor declared that the Certificate “has been assigned a value of zero . . . .”
2. The Applicant is familiar with, and agrees to comply with, all applicable rules and regulations governing motor carriers operating under a Class E Household Goods Certificate.
3. The Applicant provided a financial statement indicating it is financially fit to carry out the proposed services.
4. The evidence shows the Applicant has the appropriate equipment to provide moving services, and it provided adequate evidence of insurance both liability and cargo.
5. With respect to rates, the record reflects that the Applicant has joined the South Carolina Tariff Bureau, Inc.
6. The Applicant also submitted a Bill of Lading. We find the Bill of Lading to be appropriate.
7. The Applicant is fit, willing, and able to perform the proposed services.
8. Based on the Application and the testimony of Mr. Coffman, we find that the transfer of the Certificate will not adversely affect the service to the public under the Certificate. On the

contrary, the Application and the testimony of Mr. Coffman demonstrates that the Applicant's operation under the Certificate will serve the public interest.

9. No evidence has been presented that granting the transfer will be destructive of competition or create an unlawful monopoly.

10. We find that although the Applicant did not show strict compliance with the "continuously offered and reasonably provided" provisions of 10 S.C. Code Ann. Regs. 103-135(4)(3), that fact does not justify denying the Application in light of the evidence in the Application and presented by the Applicant at the hearing.

11. Alternatively, we find, pursuant to 10 S.C. Code Ann. Regs. 103-803, that waiver of 10 S.C. Code Ann. Regs. 103-135(4)(3) is appropriate under the circumstances of this case. As set out herein, no party intervened to oppose the application. ORS did not oppose the application or the request for waiver, and in fact opined that the Applicant met the requirements of "fit, willing, and able" found in 10 S.C. Code Ann. Regs. 103-133. These factors, as well as the showing made by the Applicant described in this Order, demonstrate that a waiver is not contrary to the public interest.

## **V. CONCLUSIONS OF LAW**

After review of the Application and all of the evidence in the record, the Commission makes the following conclusions of law:

1. The Commission concludes that the transfer will not adversely affect the service to the public under the Certificate.
2. The Commission concludes that the transfer is in the public interest.

3. The Commission concludes that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover pursuant to S.C. Code Ann. § 58-23-330 and 10 S.C. Code Ann. Regs. 103-133.

IT IS THEREFORE ORDERED:

1. The Application of All American Relocation, Inc. for approval of a transfer of Class E (Household Goods) Certificate of Public Convenience and Necessity No. 6003-A- is hereby approved.

2. The Applicant's Bill of Lading is approved and attached hereto as Order Appendix A.

3. The Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 10 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 2 S.C. Code Ann. Regs. 38-400 through 38-503 (2014) of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

4. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

5. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

6. Failure of the Applicant to either (1) complete the process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within ninety (90) days this Order or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the Application herein shall be dismissed without prejudice. In this event, no further order of this Commission is necessary.

7. Pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014), the ORS is requested to furnish the name and docket number of the Applicant to the Commission, should the Applicant fail to meet the requirements of the present Order. After such notification, the Docket shall be closed.

8. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

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Justin T. Williams, Chairman  
Public Service Commission of South  
Carolina